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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,479	12/03/2003	Gudmundur Fertram Sigurjonsson	SIGU3013/JEK/JJC	4597
23364	7590	12/15/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			LEWIS, KIM M	
			ART UNIT	PAPER NUMBER
			3743	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/725,479	SIGURJONSSON ET AL.	
	Examiner	Art Unit	
	Kim M. Lewis	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on the preliminary amendment filed 7/29/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 4,5,13-15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/3/03, 7/29/04, 5/13/04 and 2/2/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 12/3/03, 7/24/04, 8/13/04 and 2/2/05 have been received and made of record in the application file wrapper. Note the acknowledged PTO-1449 forms enclosed herewith.

Response to Amendment

2. The preliminary amendment filed on 7/29/04 has been received and made of record. As requested, new claims 21 and 22 have been added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 6-12, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,308,313 ("Karami et al.") in view of U.S. Patent No. 6, 461,467 ("Blatchford et al.").

As regards claims 1 and 10, Karami et al. substantially disclose applicant's claimed invention. More specifically, Karami et al. disclose a vented wound dressing comprising an absorbent core (absorbent fabric 32) having opposed proximal and distal surfaces and a discrete skin adherent, apertured facing layer (sheet material 12) having a distal surface secured to the proximal surface of the absorbent core. Karami et al. fail to teach that the facing layer includes portions along a proximal surface thereof having different degrees of skin adherence.

Blatchford et al., however, disclose a medical dressing with two adhesives, wherein one adhesive has greater adhesive tack than the other so as to allow the dressing to adhere to better to the skin at certain locations, for example, the periphery of

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the dressing, and adheres less to the portion which contacts the wound (abstract, col. 2, lines 12-20 and lines 31-38).

In view of Blatchford et al., it would have been obvious to one having ordinary skill in the art to substitute the adhesive layer (14) of Karami et al. for the multiple adhesives of Blatchford et al. in order to allow the center portion of the dressing which contacts the wound to adhere less than, for example, the periphery of the dressing to which surrounds the wound. This will allow the dressing to firmly adhere to the skin, but only at areas surrounding the wound.

As regards claims 2 and 6, Blatchford et al. disclose in one embodiment that the periphery of the bandage has the high tack adhesive (col. 2, lines 31-35). The high tack adhesive has greater skin adherence than the portion of the dressing located near the center (Figs. 1 and 4A).

As regards claim 3, the modified device of Karami et al. fail to teach the wound dressing according to claim 1, wherein the facing layer includes at least two concentric sections located at different distances from a central axis of the wound dressing having dissimilar skin adherence properties. Absent a critical teaching and/or a showing of unexpected results derived from providing the dressing of the instant invention with concentric circles, the examiner contends that the configuration is an obvious design choice, which does not patentably distinguish applicants' invention.

Regarding claim 7, as can be seen from Fig. 4A, border portions (220) of Blatchford et al. have greater skin adherence than the border portions contained within the portion of the dressing comprising adhesive (230).

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Regarding claim 8, as can be seen in Fig. 4 of Karami et al., sheet (12) is planar.

Regarding claim 9, as discussed above in the rejection of claim 3, the concentric circles are an obvious design choice, which do not patentably distinguish applicants' invention. As to the absorbent core being circular, the examiner contends that it has been held that a change in shape of a prior art device is a design consideration within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

As regards claim 11, the modified device of Karami et al. disclose a wound dressing according to claim 10, further comprising a first discrete section (constituted by the second pressure adhesive) of the facing layer corresponding to a central portion of the facing layer and a second discrete section (constituted by the first pressure sensitive adhesive with high tack) of the facing layer corresponding to a border portion of the facing layer, said second discrete section having greater skin adherence than the first discrete section.

As regards claims 12 and 20, note the rejection of claims 3, 9 and 10 above, which discusses the lack of criticality and/or unexpected results derived from providing the dressing with the discrete sections being concentric with one another. As such, the claimed shape is an obvious design choice.

As regards claims 16 and 19, Karami et al. disclose sheet (12) as being substantially planar.

As regards claim 17, it is inherent in the disclosure that the skin adherence of each discrete section of the facing layer is substantially uniform since nothing in

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Blatchford et al. alludes to the first and second sections of adhesive having a tack which is not uniform.

Allowable Subject Matter

7. Claims 4, 5 and 13, 14, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

8. Claim 22 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim M. Lewis whose telephone number is (571) 272-4796. The examiner can normally be reached on Monday to Thursday from 5:30 am to 12:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (571) 272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim M. Lewis
Primary Examiner
Art Unit 3743

kml
December 2, 2005